

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| UNITED STATES OF AMERICA, |) | Case No.: 1:06 CR 125-16 |
| |) | |
| Plaintiff |) | JUDGE SOLOMON OLIVER, JR. |
| |) | |
| v. |) | |
| |) | |
| ISMAEL VALDEZ, |) | <u>ORDER ACCEPTING PLEA</u> |
| |) | <u>AGREEMENT, JUDGMENT AND</u> |
| |) | <u>REFERRAL TO U. S. PROBATION</u> |
| Defendant |) | <u>OFFICE</u> |

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge William H. Baughman, Jr., regarding the change of plea hearing of Ismael Valdez, which was referred to the Magistrate Judge with the consent of the parties.

On May 9, 2006, the government filed a thirty-six count superseding indictment, charging Defendant Ismael Valdez, with Conspiracy to Smuggle Aliens into and within the United States in violation of Title 8 United States Code, Section 1324(a)(1)(A)(v)(I); Conspiracy to Commit Mail Fraud and Document Fraud in violation of Title 18, United States Code, Section 371; and Aiding and Abetting Mail Fraud in violation of Title 18, United States Code, Section 1341. On July 6, 2007, Defendant Valdez-Gomez was arraigned and entered a plea of not guilty before Magistrate Judge Kenneth S. McHargh. On January 23, 2007, Magistrate Judge

Baughman received Defendant Valdez's plea of guilty to counts one and fourteen of the superseding indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered on January 23, 2007.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Valdez is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Valdez is adjudged guilty of Counts 1 and 14 of the superseding indictment, in violation of Title 18 United States Code, Section 1324(a)(1)(A)(v)(I) and Title 18 United States Code, Section 1341 and 2.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE